

**CHARGE:** 502(a)—while held for sale, the labeling contained false and misleading representations that the article was adequate and effective to promote health, strength, long life, and physical resistance to disease; to stimulate the appetite; and to aid digestion.

**DISPOSITION:** 3-23-62. Consent—claimed by Mario's Food Products Co. and relabeled.

**7053. Moxley Two-In-One massage pillow.** (F.D.C. No. 42536. S. No. 15-330 P.)

**QUANTITY:** 5 devices at Columbus, Ohio.

**SHIPPED:** 9-20-58, from Los Angeles, Calif., by Moxley Massage Equipment Co., Inc.

**LABEL IN PART:** "Moxley Two-In-One Massage Pillows."

**ACCOMPANYING LABELING:** (Sales manuals) "Moxley Two-In-One Thera-Massage"; (booklets) "A Heart to Heart Story"; and (leaflets) "How to Enjoy the Famous Moxley Two-In-One Massage Pillow."

**LIBELED:** 12-1-58, S. Dist. Ohio.

**CHARGE:** 502(a)—when shipped, the labeling contained false and misleading representations that the article was an adequate and effective treatment for heart disease, hypertension, poor circulation which may lead to arthritis, bursitis, ulcers, constipation, stomach stricture, kidney inflammation, sclerosis of the liver, or "dozens of other terrible illnesses"; spastic paraplegia and fibrositis; fallen arches; sinus congestion; paralysis due to strokes; migraine headaches; and for diabetes, hives, and baldness.

**DISPOSITION:** 3-3-60. Default—the devices and a portion of the accompanying labeling delivered to the Food and Drug Administration; remainder of accompanying labeling destroyed.

**7054. Tone Facial Exercise device.** (F.D.C. No. 45706. S. No. 57-640 R.)

**QUANTITY:** 47 devices at Miami, Fla.

**SHIPPED:** 11-9-60 and 12-7-60, from Beverly Hills, Calif., by Tone International.

**LABEL IN PART:** "Tone Facial Exercise \* \* \* Gabrielle Products, Fullerton, Calif."

**ACCOMPANYING LABELING:** Leaflets entitled "Operating Instructions—Tone Facial Exerciser," "You Cannot Pull or Stretch a Muscle \* \* \* Tone Facial Exerciser," and "Read This Before Using The Electronic Facial Exerciser."

**RESULTS OF INVESTIGATION:** Examination showed the article to be similar in size and general shape to an electric shaver. It consisted of a plastic housing containing a small electric motor and an electric cord for connection to ordinary household current. Attachments consisted of two plastic sponges which might be affixed to either side of the device. Two switches reportedly controlled, at a high or low level, the "contractions" action of the sponges as they were placed next to the skin of the facial area.

**LIBELED:** 4-11-61, S. Dist. Fla.

**CHARGE:** 502(a)—when shipped, the name "Tone" and statements in the labeling of the article contained false and misleading representations that the article was adequate and effective as a treatment for aiding in erasing wrinkles, sagging muscles, heavy jowls, double chin, crepy throat, crow's feet, lines around the eyes, lines in the forehead, lines in front of ears, lines on side of the mouth, circles under the eyes, and loose cheek muscles; toning and firm-

ing facial muscles; and providing eye exercise, leaving the eyes refreshed and sparkling bright.

DISPOSITION: 6-22-61. Default—destruction of all devices except for 25 which were delivered to the Food and Drug Administration.

7055. Rejuvené device. (F.D.C. No. 45952. S. Nos. 52-815/16 R.)

QUANTITY: 77 devices at Minneapolis, Minn., in possession of Rejuvené, Inc. Each device was in a carrying case-type container in which was included a bottle of lotion.

SHIPPED: 4-21-61, from Los Angeles, Calif. This was a return shipment.

LABEL IN PART: (Device) "Rejuvené" and (btl.) "Rejuvené Lotion."

ACCOMPANYING LABELING: Leaflet and booklet entitled "For your face of the future"; sheet entitled "Owner's Participation Bond"; leaflets entitled "Rejuvené Product Knowledge," "TV Time & Talent Cost," and "What do Leading Beauty Editors Have to Say About The 'Anti-Wrinkle Campaign'"; folder entitled "Vogue's New Beauty Book"; card entitled "Rejuvené Owner Register"; leaflet and folder entitled "Does Your Face Show your Age"; pamphlets entitled "Representative's Instruction Data," "Sales Presentation," and "Telephone Solicitation following up a mailing."

RESULTS OF INVESTIGATION: Examination indicated the device to be a plastic-covered case containing a mirror, a battery-powered transistorized electronic circuit, applicator electrodes, sponges and a bottle of lotion. The case was approximately 9½" x 11½" x 5". The device produced an electric current to the skin through the applicator sponges.

LIBELED: 6-28-61, Dist. Minn.

CHARGE: 502(a)—when shipped, the labeling accompanying the article contained false and misleading representations that the article was adequate and effective as a treatment for regaining and retaining a youthful face and throat by overcoming lines in the area of the forehead, eyes, nose, mouth, chin, neck, and throat; eliminating wrinkles and teen-age skin problems; toning and firming sagging and weakened muscles; and stimulating circulation to rejuvenate the facial tissues.

DISPOSITION: 8-10-61. Default—destruction.

7056. Jacuzzi Whirlpool Bath. (F.D.C. No. 47200. S. No. 9-320 T.)

QUANTITY: 14 individually ctn'd. devices at Buffalo, N.Y., in possession of Chester Lehr, Inc.

SHIPPED: 8-29-61, from Hackensack, N.J., by Jacuzzi Bros., Inc.

LABEL IN PART: (Tag on device) "Jacuzzi Whirlpool Bath"; (ctn.) "New-Compact-Portable Jacuzzi Whirlpool Bath For Use In Any Therapy Tank or Bathtub Manufactured by Jacuzzi Research, Inc., 1440 San Pablo Avenue, Berkeley, California."

ACCOMPANYING LABELING: Letters addressed to "Dear Doctor" and promotional letters reading in part "After years of development a Hydromassage unit is now available for use in the home."

RESULTS OF INVESTIGATION: The promotional letter reading in part "After years of development . . ." was prepared by the dealer.

LIBELED: 3-12-62, W. Dist. N.Y.